

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES R. ODLE,

No. C 05-2711 MMC

Plaintiff,

**ORDER AFFORDING PLAINTIFF  
OPPORTUNITY TO FILE SURREPLY**

v.

DEPARTMENT OF JUSTICE;  
DEPARTMENT OF JUSTICE OFFICE OF  
PROFESSIONAL RESPONSIBILITY,

Defendants.

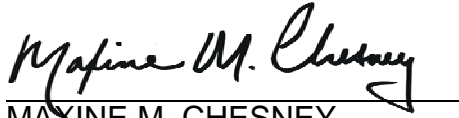
Before the Court is the motion for summary judgment filed November 7, 2005 by defendants United States Department of Justice ("DOJ"), and DOJ Office of Professional Responsibility ("OPR"). Plaintiff James R. Odle ("Odle") objects to the Supplemental Declaration of Dale K. Hall ("Hall Supplemental Declaration"), filed in connection with defendants' reply, on the ground that it includes new evidence that should have been included in defendants' initial moving papers. Although the Court agrees that the Hall Supplemental Declaration contains new evidence, the Court, rather than declining to consider such evidence, will afford Odle an opportunity to respond to it.

Accordingly, no later than March 7, 2006, plaintiff may file a surreply of no more than 5 pages in length, addressing the new evidence contained in the Hall Supplemental Declaration. The March 3, 2006 hearing on defendants' motion for summary judgment is

1 hereby VACATED. The motion will be reset for hearing, if appropriate, after the Court  
2 reviews Odle's surreply.

3 **IT IS SO ORDERED.**

4 Dated: February 27, 2006

  
MAXINE M. CHESNEY  
United States District Judge